PART—IV

Section 2-C (i)

GENERAL, STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

FINANCE SECRETARIAT

NOTIFICATION

Bangalore, dated 21st October 1971.

G.S.R. .333 —In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with Order No. GSR 458, dated the 27th March, 1971 of the President of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules, namely:—

1. **Title and commencement.**—(1) These rules may be called the Mysore State Civil Services (Allottees) (Special) Rules, 1971.

(2) They shall be deemed to have come into force on the first day of November, 1 6.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) 'allottee' means a Government servant allotted or deemed to have been allotted to serve in connection with the affairs of the State of Mysore under or in pursuance of Section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(b) 'final seniority list' means the inter-state seniority list of allottees prepared under the proviso to Article 309 of the Constitution of India in accordance with the decisions of the Central Government under the provisions of sub-section (5) of Section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(c) 'rules of recruitment' means the Mysore State Civil Services (General Recruitment) Rules, 1957 and the rules of recruitment specially made in respect of any service, post or class of posts.

3. Provision relating to promotions of allottee.—(1) After the publication of the final seniority lists of allottees relating to every service, where the seniority of allottees as specified in the provisional seniority list in any class of posts has been altered in the final seniority list relating to that class, every recruitment by promotion to any post of an allottee in the said class made on any date after the first day of November, 1956, on the basis of seniority-*cum*-merit, shall be reviewed with reference to the qualifications and other conditions to be satisfied under the rules of recruitment applicable at the relevant time for such promotion and the ranking in the final seniority list assigned to the allottees in that class of posts, and if any person senior in rank than the allottee who had been promoted on that date is held to be suitable for promotion on that date (hereinafter in this rule referred to as the date of eligibility), an order shall be made promoting the said person to the said post with effect from a specified date.

(2) As soon as may be after a person promoted under sub-rule (1) is declared to have satisfactorily completed the period of officiation in the promoted post under sub-rule (2) of rule 18 of the Mysore State Civil Services (General Recruitment) Rules, 1957, an order shall be made directing that he shall be entitled to initial pay on the date of actual promotion to the post as if he was holding the said post from the date of eligibility *and drawn the pay and allowances accordingly*;

His rank in the seniority list of Government servants in the class or grade of service to which he is promoted shall be fixed as if he had been promoted to that class or grade of service on the date of eligibility.

(3) Where an order is made in respect of any Government servant under sub-rule (2), and the ranking in the seniority list of Government servants in the promoted class or grade of service as fixed by such order stands revised, the promotions made from that class or grade of service to the next higher class or grade of service shall be in accordance with, and subject to the provisions of sub-rule (1) as if reference therein to the final seniority list were reference to the aforesaid revised seniority list and the provisions of sub-rule (2) shall *mutatis mutandis* be applicable to every promotion so made.

(4) The provisions of sub-rule (3) shall *mutatis mutandis* be applicable in respect of promotions of allottees to the next higher classes or grades of the same service.

(5) Where in respect of promotions on the basis of seniority *cum*-merit from any class or grade of service to the next higher class or grade of service, the rules of recruitment require service for a minimum period in the former class or grade to become eligible for promotion, the said period shall in its application to an allottee eligible for promotion under this rule, be deemed to be the period during which he satisfactorily completes the period of officiation in the post of that class or grade of the service.

(6) In respect of promotions from any class or grade of service by selection to the next higher class or grade of service, where an allottee would have been eligible for consideration if he had been promoted to the former class or grade of service on the basis of his seniority in the final seniority list, such allottee shall be considered for selection to the next higher class or grade of service, immediately after he satisfactorily completes the period of officiation in the said former class or grade of service and if he is selected and promoted to the higher class or grade of service and satisfactorily completes his period of officiation

in the said class or grade, his rank in the seniority list of the persons in the said class or grade shall be fixed as if he had been promoted on the date immediately preceding the date on which his junior in the lower class or grade was promoted to the selection class or grade of service.

(7) An order under clause (a) of sub-rule (2) in respect of an allottee who had been reduced to a lower stage in a time scale and whose increment had been withheld shall be subject to such modification as the appropriate authority deems necessary.

4. Provision relating to reversion of allottees.—(1) Where consequent upon the review of promotions under sub-rule (1) of rule 3, any allottee promoted to any class of posts is found not entitled to continue in that class, he shall be reverted to—

(a) the class of posts to which he would have been eligible for promotion on the basis of rank in the final seniority list, or

(b) the class of posts in which he would have continued on the basis of his rank in the final seniority list.

(2) Where any reversion is made under clause (a) of sub-rule (1), the rank of the allottee in the seniority list of that class of posts shall be fixed as if he had been promoted to that class on the basis of his rank in the final seniority list.

5. Provision relating to revision of pensions:—Where consequent upon a review of promotions under rule 3, it is found that any allottee who has retired from service before the publication of these rules in the *Mysore Gazette* would have been eligible for promotion under the said rule if the final seniority list had been in operation on that day, his pension and death-*cum*-retirement gratuity shall be revised, as if he had been promoted to the next higher class or grade of service on the date on which he was found eligible for such promotion with reference to his rank in the

final seniority list and the relevant recruitment rules, and as if he had satisfactorily completed the period of officiation in the said class or grade of service.

6. **Provision relating to payments to heirs of deceased allottees**—Where consequent upon a review of promotions under rule 3, it is found that any allottee who before the publication of these rules in the *Mysore Gazette* has while in service or after retirement died, would have been eligible for promotion on any day under the said rule if the final seniority list had been in operation on that day, the salary and allowances or the pension and death-*cum*-retirement gratuity shall be revised, as if he had been promoted to the next higher class or grade of service on the date on which he was found eligible for such promotion with reference to his rank in the final seniority list and the relevant recruitment rules and as if he had satisfactorily completed the period of officiation in the said class or grade of service, and the excess amount payable on such revision of salary and allowances or pension and death-*cum*-retirement gratuity shall be paid to the heirs of the said deceased allottee.

7. **Rules not applicable to certain allottees.**—Rules 3, 5 and 6 shall not be applicable to an allottee who—

(a) has been dismissed, removed or compulsorily retired from service as a penalty;

(b) has been reduced to a lower service, grade or post or whose promotion has been withheld as a penalty;

(c) has been retired from service in public interest;

(d) has been held unsuitable for promotion to any post or class of posts, or

(e) after promotion has been reverted to the lower post on the ground of unsuitability to hold the higher post or class of posts.

8. **Removal of difficulties.**—If any difficulty arises in the application of these rules to any case, the State

Government may make such orders as may be necessary for the purpose of removing the difficulty.

9. **Overriding effect of the rules and orders.**—The provisions of these rules and any order made under any of these rules shall have effect not withstanding anything inconsistent therewith contained in any other rules made under the proviso to Article 309 of the Constitution of India or in any instrument having effect by virtue of any such other rules.

[No. FD 72 SRS 70.]

By Order and in the name of the President of India,

N. S. BHARATH,
Joint Secretary to Government,
Finance Department.

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